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PATENT
ATTORNEY DOCKET NO.: 051481-5009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Craig WELDON)	Confirmation No.: 3012
)	
Application No.: 09/893,530)	Group Art Unit: 2855
)	
Filed: June 29, 2001)	Examiner: M. Stevens
)	
For: DIAGNOSTIC APPARATUS AND)	
METHOD FOR AN EVAPORATIVE)	
CONTROL SYSTEM INCLUDING)	
AN INTEGRATED PRESSURE)	
MANAGEMENT APPARATUS)	

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JUL 28 2004

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop Amendment
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

TECH CENTER 2800

Sir:

AMENDMENT UNDER 37 C.F.R. § 1.111

In response to the Office Action dated March 23, 2004, the period for response to which extends through July 23, 2004 by a one-month extension of time petitioned for herein, please amend the above-identified application as follows:



28550
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Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is an Amendment in response to the Office Action dated March 23, 2004.
2. Additional papers enclosed:
 - ☐ Drawings: ☐ Formal (Replacement Sheet) ☐ Informal (Correction)
 - ☐ Information Disclosure Statement
 - ☐ Form PTO-1449, _____ reference(s) included
 - ☐ Citations
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

07/26/2004 EABUBAK1 00000101 500310 09893530

01 FC:1251 110.00 DA

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$1,005.00

Extension of time fee due with this request: \$110.00.

If an additional extension of time is required, please consider this a Petition therefore.

☐ An extension for _____ months has already been secured and the fee paid therefore of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. § 1.16(c))	18	minus	20	0	x \$18 each =	+ \$ 0.00
Independent Claims (37 C.F.R. § 1.16(b))	2	minus	3	0	x \$86 each =	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$290.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

[] No fee is to be paid at this time.

[X] The Commissioner is hereby authorized to charge the amount of \$110.00 for the one month extension of time fee to Deposit Account No. 50-0310.

[X] The Commissioner is hereby authorized to charge any additional fees that may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: July 23, 2004

By: 

Peter J. Sistare

Reg. No. 48,183

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